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Attorneys for **Defendant, WILLIAM FIKHMAN**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

VIVO PER LEI, INC., a NEVADA  
corporation

Plaintiff,

vs.

GADI BRUCHIM, an individual,  
WILLIAM FIKHMAN, an  
individual, AMAZON.COM, INC., a  
Delaware Corporation, and Does 1-  
10, inclusive

Defendants.

**CASE NO. CV11-05169GW(JCGx)**

**DEFENDANT WILLIAM FIKHMAN'S  
OBJECTION TO PLAINTIFF'S  
SUR-REPLY IN SUPPORT OF  
OPPOSITION TO PARTIAL MOTION  
TO DISMISS PLAINTIFF'S THIRD  
AMENDED COMPLAINT**

**DATE : January 23, 2012**  
**TIME : 8:30 a.m.**  
**DEPT : "10"**

**COMPLAINT FILED : 06/21/2011**  
**TRIAL DATE : NONE SET**

TO THE COURT:

On January 17, 2012, Plaintiff VIVO PER LEI, INC. ("Vivo") filed a sur-reply (Doc. #51) in support of its opposition to the partial motion to dismiss the third amended complaint of Defendant WILLIAM FIKHMAN ("Fikhman"). Under Local Rule 7-10, "Absent prior written order of the Court, the opposing party shall not file a response to the reply." Vivo did not obtain a prior written order of the Court. Fikhman therefore asks that Vivo's sur-reply (Doc. #51) be disregarded.

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1 DATED: January 18, 2012

Respectfully submitted,

2 **VEATCH CARLSON, LLP**

3  
4 By: /s/Xiaoyi Yao  
5 **KEITH G. WILEMAN**  
6 **XIAOYI YAO**  
7 Attorneys for **Defendant**  
8 **WILLIAM FIKHMAN**

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify the following: I am over the age of 18 years and am not a party  
3 to the above-captioned action. I am a registered user of the CM/ECF system for the  
United States District Court for the Central District of California.

4 On January 18, 2012, I electronically filed the foregoing **DEFENDANT**  
5 **WILLIAM FIKHMAN'S OBJECTION TO PLAINTIFF'S SUR-REPLY IN**  
6 **SUPPORT OF OPPOSITION TO PARTIAL MOTION TO DISMISS**  
7 **PLAINTIFF'S THIRD AMENDED COMPLAINT** with the Clerk of the Court  
using the CM/ECF system. To the best of my knowledge, all counsel to be served in  
this action is registered CM/ECF users and will be served by the CM/ECF system.

8 I declare under penalty of perjury under the laws of the United States that the  
foregoing is true and correct.

9 /s/ Xiaoyi Yao  
10 XIAOYI YAO, 261290